



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,784	12/10/2003	Joseph Patrick Dennisson	9400-37 (030079)	6907

39072 7590 05/17/2007  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
P.O. BOX 37428  
RALEIGH, NC 27627

EXAMINER
----------

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
----------	--------------

2617

MAIL DATE	DELIVERY MODE
-----------	---------------

05/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/732,784

Applicant(s)

DENNISSON ET AL.

Examiner

Sharad Rampuria

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-21 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-21 and 23-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

I. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

II. The current office-action is in response to the Amendment - After Non-Final Rejection filed on 02/08/2007.

Accordingly, Claims 11, 22 & 33 are cancelled and Claims 1-10, 12-21 and 23-32 are pending for further examination as follows:

***Claim Rejections - 35 USC § 103***

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 6-7, 10, 12-14, 17-18, 21, 23-25, 28-29 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curcio et al. [US 20040057420] in view of Hirsch [US 20030181160].

As per Claim 1, Curcio disclose:

A method of operating a communication network (Abstract), comprising:

Providing a wireless communication network that has bandwidth associated therewith to facilitate communication between at least one mobile terminal and another communication device; (i.e. transmission bit rate; Pg.2; 0025-0029 and Pg.4; 0061) and

Transmitting streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network. (i.e. performing according to bandwidth; Pg.2; 0030, Pg.4; 0077-0078 and Claim 1)

Curcio fails to teaches all the particulars of the claim except obtaining authorization from a media broadcaster that provides the streaming media to rebroadcast the streaming media over the wireless network; and obtaining a subscription at the wireless network from the at least one mobile terminal for the streaming media. However, Hirsch teaches in an analogous art, that obtaining authorization from a media broadcaster that provides the streaming media to rebroadcast the streaming media over the wireless network; and obtaining a subscription at the wireless network from the at least one mobile terminal for the streaming media. (0019-0020, 0030) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Curcio including obtaining authorization from a media broadcaster that provides the streaming media to rebroadcast the streaming media over the wireless network; and

Art Unit: 2617

obtaining a subscription at the wireless network from the at least one mobile terminal for the streaming media in order to provide a system for authenticating and provisioning reception of encoded broadcast transmissions.

As per Claim 2, Curcio disclose:

The method of claim 1, wherein transmitting the streaming media comprises: transmitting the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network and using third generation (3G) wireless communication technology. (i.e 3<sup>rd</sup> generation; Pg.4; 0060)

As per Claim 3, Curcio disclose:

The method of claim 2, wherein transmitting the streaming media comprises: transmitting the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network and using wideband code division multiple access (WCDMA) technology, universal mobile telecommunications system (UMTS) technology, and/or enhanced data GSM (global system for mobile communications) environment technology. (i.e. UMTS; Pg.5; 0101 and Pg.7; 0145)

As per Claim 6, Curcio disclose:

The method of claim 1, wherein the streaming media comprises text and/or audio content. (i.e. video/audio; Pg.7; 0146)

As per Claim 7, Curcio disclose:

The method of claim 1, wherein the streaming media comprises video content. (i.e. video/audio; Pg.7; 0146)

As per Claim 10, Curcio disclose:

The method of claim 1, wherein transmitting the streaming media comprises: transmitting the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network while moving the at least one mobile terminal between cells associated with the wireless network. (i.e. roaming between two networks; Pg.7; 0152)

As per Claim 12, Curcio disclose:

A communication system (Abstract), comprising:

Means for providing a wireless communication network that has bandwidth associated therewith to facilitate communication between at least one mobile terminal and another communication device; (i.e. transmission bit rate; Pg.2; 0025-0029 and Pg.4; 0061) and

Means for transmitting streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network. (i.e. performing according to bandwidth; Pg.2; 0030, Pg.4; 0077-0078 and Claim 1)

Curcio fails to teaches all the particulars of the claim except obtaining authorization from a media broadcaster that provides the streaming media to rebroadcast the streaming media over the wireless network; and obtaining a subscription at the wireless network from the at least one

Art Unit: 2617

mobile terminal for the streaming media. However, Hirsch teaches in an analogous art, that Means for obtaining authorization from a media broadcaster that provides the streaming media to rebroadcast the streaming media over the wireless network; and obtaining a subscription at the wireless network from the at least one mobile terminal for the streaming media. (0019-0020, 0030)

As per Claim 13, Curcio disclose:

The system of claim 12, wherein the means for transmitting the streaming media comprises: means for transmitting the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network and using third generation (3G) wireless communication technology. (i.e 3<sup>rd</sup> generation; Pg.4; 0060)

As per Claim 14, Curcio disclose:

The system of claim 13, wherein the means for transmitting the streaming media comprises: means for transmitting the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network and using wideband code division multiple access (WCDMA) technology, universal mobile telecommunications system (UMTS) technology, and/or enhanced data GSM (global system for mobile communications) environment technology. (i.e. UMTS; Pg.5; 0101 and Pg.7; 0145)

As per Claim 17, Curcio disclose:

The system of claim 12, wherein the streaming media comprises text and/or audio content. (i.e. video/audio; Pg.7; 0146)

As per Claim 18, Curcio disclose:

The system of claim 12, wherein the streaming media comprises video content. (i.e. video/audio; Pg.7; 0146)

As per Claim 21, Curcio disclose:

The system of claim 12, wherein the means for transmitting the streaming media comprises: means for transmitting the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network while moving the at least one mobile terminal between cells associated with the wireless network. (i.e. roaming between two networks; Pg.7; 0152)

As per Claim 23, Curcio disclose:

A computer program product (i.e. CPU; Pg.6; 0111) for operating a communication network (Abstract), comprising:

A computer readable storage medium having computer readable program code embodied therein, the computer readable program code (i.e. CPU; Pg.6; 0111) comprising:

Computer readable program code (i.e. CPU; Pg.6; 0111) configured to provide a wireless communication network that has bandwidth associated therewith to facilitate communication



between at least one mobile terminal and another communication device; (i.e. transmission bit rate; Pg.2; 0025-0029 and Pg.4; 0061) and

Computer readable program code (i.e. CPU; Pg.6; 0111) configured to transmit streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network. (i.e. performing according to bandwidth; Pg.2; 0030, Pg.4; 0077-0078 and Claim 1)

Curcio fails to teaches all the particulars of the claim except obtaining authorization from a media broadcaster that provides the streaming media to rebroadcast the streaming media over the wireless network; and obtaining a subscription at the wireless network from the at least one mobile terminal for the streaming media. However, Hirsch teaches in an analogous art, that Computer readable program code configured to obtain authorization from a media broadcaster that provides the streaming media to rebroadcast the streaming media over the wireless network; and obtaining a subscription at the wireless network from the at least one mobile terminal for the streaming media. (0019-0020, 0030)

As per Claim 24, Curcio disclose:

The computer program product of claim 23, wherein the computer readable program code configured to transmit the streaming media comprises: computer readable program code configured to transmit the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network and using third generation (3G) wireless communication technology. (i.e 3<sup>rd</sup> generation; Pg.4; 0060)

As per Claim 25, Curcio disclose:

Art Unit: 2617

The computer program product of claim 24, wherein the computer readable program code configured to transmit the streaming media comprises: computer readable program code configured to transmit the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network and using wideband code division multiple access (WCDMA) technology, universal mobile telecommunications system (UMTS) technology, and/or enhanced data GSM (global system for mobile communications) environment technology. (i.e. UMTS; Pg.5; 0101 and Pg.7; 0145)

As per Claim 28, Curcio disclose:

The computer program product of claim 23, wherein the streaming media comprises text and/or audio content. (i.e. video/audio; Pg.7; 0146)

As per Claim 29, Curcio disclose:

The computer program product of claim 23, wherein the streaming media comprises video content. (i.e. video/audio; Pg.7; 0146)

As per Claim 32, Curcio disclose:

The computer program product of claim 23, wherein the computer readable program code configured to transmit the streaming media comprises: computer readable program code configured to transmit the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network while moving the at least one mobile terminal

Art Unit: 2617

between cells associated with the wireless network. (i.e. roaming between two networks; Pg.7; 0152)

Claims 4-5, 8-9, 15-16, 19-20, 26-27 & 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curcio and Hirsch further in view of Inselberg [US 20040171381].

As per claim 4, the above combination teaches all the particulars of the claim except a Wi-Fi communication network. However, Inselberg teaches in an analogous art, that the method of claim 1, wherein the wireless communication network comprises a Wi-Fi communication network. (i.e. Wi-Fi; Pg.5; 0035) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a Wi-Fi communication network in order to provide a method and apparatus for interactive audience participation at live spectator events.

As per claim 5, the above combination teaches all the particulars of the claim except a IEEE 802.11b technology. However, Inselberg teaches in an analogous art, that the method of claim 4, wherein transmitting the streaming media comprises: transmitting the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network and using IEEE 802.11b technology. (i.e. IEEE 802.11; Pg.5; 0035)

As per claim 8, the above combination teaches all the particulars of the claim except AM, FM radio broadcast. However, Inselberg teaches in an analogous art, that the method of claim 1, wherein the streaming media comprises content from a television broadcast, an amplitude

Art Unit: 2617

modulation (AM) radio broadcast and/or a frequency modulation (FM) radio broadcast. (i.e. AM, FM; Pg.3; 0026)

As per claim 9, the above combination teaches all the particulars of the claim except a video conference and/or a gaming application. However, Inselberg teaches in an analogous art, that the method of claim 1, wherein the streaming media comprises content from a video conference and/or a gaming application. (i.e. live events; Pg.3; 0026)

As per claim 15, the above combination teaches all the particulars of the claim except a Wi-Fi communication network. However, Inselberg teaches in an analogous art, that the method of claim 12, wherein the wireless communication network comprises a Wi-Fi communication network. (i.e. Wi-Fi; Pg.5; 0035)

As per claim 16, the above combination teaches all the particulars of the claim except a IEEE 802.11b technology. However, Inselberg teaches in an analogous art, that the method of claim 15, wherein transmitting the streaming media comprises: transmitting the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network and using IEEE 802.11b technology. (i.e. IEEE 802.11; Pg.5; 0035)

As per claim 19, the above combination teaches all the particulars of the claim except AM, FM radio broadcast. However, Inselberg teaches in an analogous art, that the method of claim 12, wherein the streaming media comprises content from a television broadcast, an

Art Unit: 2617

amplitude modulation (AM) radio broadcast and/or a frequency modulation (FM) radio broadcast. (i.e. AM, FM; Pg.3; 0026)

As per claim 20, the above combination teaches all the particulars of the claim except a video conference and/or a gaming application. However, Inselberg teaches in an analogous art, that the method of claim 12, wherein the streaming media comprises content from a video conference and/or a gaming application. (i.e. live events; Pg.3; 0026)

As per claim 26, the above combination teaches all the particulars of the claim except a Wi-Fi communication network. However, Inselberg teaches in an analogous art, that the method of claim 23, wherein the wireless communication network comprises a Wi-Fi communication network. (i.e. Wi-Fi; Pg.5; 0035)

As per claim 27, the above combination teaches all the particulars of the claim except a IEEE 802.11b technology. However, Inselberg teaches in an analogous art, that the method of claim 26, wherein transmitting the streaming media comprises: transmitting the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network and using IEEE 802.11b technology. (i.e. IEEE 802.11; Pg.5; 0035)

As per claim 30, the above combination teaches all the particulars of the claim except AM, FM radio broadcast. However, Inselberg teaches in an analogous art, that the method of claim 23, wherein the streaming media comprises content from a television broadcast, an

amplitude modulation (AM) radio broadcast and/or a frequency modulation (FM) radio broadcast. (i.e. AM, FM; Pg.3; 0026)

As per claim 31, the above combination teaches all the particulars of the claim except a video conference and/or a gaming application. However, Inselberg teaches in an analogous art, that the method of claim 23, wherein the streaming media comprises content from a video conference and/or a gaming application. (i.e. live events; Pg.3; 0026)

### ***Response to Remarks***

Applicant's arguments filed on 02/08/2007 have been fully considered but they are not persuasive.

#### ***Relating to Claim 1:***

Since HIRSCH teaches, "the authentication/provisioning system 16 can also be used to provide a provisioning function. The provisioning function generally comprises the ability to individually configure each media receiver 28 for ... For example, the ability to decode satellite television broadcast transmissions can be configured for descrambling broadcasts of local television stations re-broadcast by the broadcast provider 20 through the satellite broadcast system." (Hirsch, ¶ 0039), which *corresponds* to the claimed limitation as "obtaining authorization from a media broadcaster that provides the streaming media to rebroadcast the streaming media over the wireless network; and obtaining a subscription at the wireless network from the at least one mobile terminal for the streaming media." Thus, stations re-broadcast by

*the broadcast provider*, (Hirsch, ¶ 0039), is exactly as applicant is rely upon, “At block 310, the consumer subscribes to one or more streaming media services provided by the wireless service provider to gain access to the rebroadcast of the streaming media content. ... AM or FM frequency, or other types of identifiers. The consumer may subscribe to a streaming media broadcast on a pay per view (PPV) basis or on a monthly subscription charge basis.”

(Dennisson et al., US 20050130636, ¶ 0009, 0031), that certainly, edify by **HIRSCH**. Hence, it is believed that ***HIRSCH still teaches the claimed limitations.***

The above arguments also recites for the claims 12, 23, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, consequently the response is the same explanation as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

### ***Conclusion***

V. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2617


CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

*Sharad Rampuria*  
Sharad Rampuria  
Patent Examiner  
Art Unit 2617

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER